
HOUSE BILL No. 1011

DIGEST OF INTRODUCED BILL

Citations Affected: IC 35-47; IC 35-50-2-13.

Synopsis: Ban on assault weapons. Provides that the manufacture, importation, sale, or possession of ammunition for a machine gun, an automatic weapon, or a semiautomatic weapon is a Class C felony. Creates enhanced criminal penalties for a person who commits certain drug offenses while in possession of an automatic or a semiautomatic weapon.

Effective: July 1, 2003.

Smith V

January 7, 2003, read first time and referred to Committee on Courts and Criminal Code.

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First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1011

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-47-1-2.5 IS ADDED TO THE INDIANA CODE
2 AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 2.5. "Automatic weapon" or "semiautomatic**
4 **weapon" means a weapon that shoots, is designed to shoot, or can**
5 **be readily restored to shoot automatically more than one (1) shot,**
6 **without manual reloading, by a single function of the trigger.**

7 SECTION 2. IC 35-47-5-8 AS AMENDED BY P.L.123-2002,
8 SECTION 43, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
9 JULY 1, 2003]: Sec. 8. A person who ~~owns or possesses~~ **knowingly or**
10 **intentionally:**

- 11 **(1) manufactures;**
- 12 **(2) imports into Indiana;**
- 13 **(3) sells;**
- 14 **(4) purchases;**
- 15 **(5) possesses; or**
- 16 **(6) transfers possession of;**

17 a machine gun, **an automatic weapon, a semiautomatic weapon, or**



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1 **ammunition for any of those weapons** commits a Class C felony.

2 SECTION 3. IC 35-50-2-13 IS AMENDED TO READ AS
3 FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 13. (a) The state may
4 seek, on a page separate from the rest of a charging instrument, to have
5 a person who allegedly committed an offense of dealing in a controlled
6 substance under IC 35-48-4-1 through IC 35-48-4-4 sentenced to an
7 additional fixed term of imprisonment if the state can show beyond a
8 reasonable doubt that the person knowingly or intentionally:

9 (1) used a firearm; or

10 (2) possessed: ~~æ~~

11 (A) **a** handgun in violation of IC 35-47-2-1;

12 (B) **a** sawed-off shotgun in violation of IC 35-47-5-4.1; or

13 (C) **a** machine gun, **an automatic weapon, or a**
14 **semiautomatic weapon** in violation of IC 35-47-5-8;

15 while committing the offense.

16 (b) If after a sentencing hearing a court finds that a person
17 committed an offense as described in subsection (a), the court may
18 sentence the person to an additional fixed term of imprisonment of not
19 more than five (5) years, except as follows:

20 (1) If the firearm is a sawed-off shotgun, the court may sentence
21 the person to an additional fixed term of imprisonment of not
22 more than ten (10) years.

23 (2) If the firearm is a machine gun or is equipped with a firearm
24 silencer or firearm muffler, the court may sentence the person to
25 an additional fixed term of imprisonment of not more than twenty
26 (20) years. The additional sentence under this subdivision is in
27 addition to any additional sentence imposed under section 11 of
28 this chapter for use of a firearm in the commission of an offense.

29 SECTION 4. [EFFECTIVE JULY 1, 2003] **IC 35-47-5-8, as**
30 **amended by this act, applies to offenses committed after June 30,**
31 **2003.**

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